IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CIVIL APPLICATION NO.248 OF 2007
WITH
FAMILY COURT APPEAL NO. 165 OF 2007

Manmeetsingh Alias Sonusingh Kohli ..Applicant/ Appellant

V/s

Gurvinderkaur Manmeetsingh Kohli ..Respondent.

Mr. V.A Gangal and Mr. Chandrakant Yadav for the applicant/appellant.

Mrs.Gurvinderkaur Manmeetsing Kohli respondent -in -person.

CORAM : J.N. PATEL AND
A.A. SAYED, JJ.
DATE : 5TH OCTOBER, 2007

P.C.

1. The reply of wife dated 5.10.2007 is taken on record.

2. Heard learned Counsel for the appellant-husband and the respondent-wife, who is appearing in-person.

3. The respondent-wife submitted that she has not received a penny towards her maintenance inspite of the order dated 3.10.2004 by Family Court. We are

informed that sum of Rs. 1,80,000/- has been deposited in the Family Court. The respondent-wife is allowed to withdraw the said amount of Rs. 1,80,000/- deposited in Family Court. She is further permitted to withdraw the amount deposited as initial litigation expenses in this Hon’ble Court.

4. The appellant-husband is further directed to deposit all the arrears of maintenance on or before 30th November, 2007 and continue to pay maintenance at the rate of Rs. 5000/- as directed by the Family Court. The maintenance amounts to be deposited on or before 10th day of each month and the maintenance of October 2007, be deposited on or before 15th of October, 2007 in this Court. We reject the contention of the learned Counsel for the appellant-husband that in view of the application under Section 7 of the Insolvency Act of the appellant-husband, the appellant is not in a position to pay any further maintenance as directed by the Family Court.

5. Upon depositing the arrears of maintenance on

or before 30th November, 2007, the appeal would stand admitted. On the amounts being deposited the respondent-wife is allowed to withdraw the same.

6. We find no merit in the Civil Application of the appellant-husband for grant of stay to the execution of the order of the Family Court and granting stay to the withdrawal of the amounts by the respondent-wife and the Civil Application is accordingly dismissed.

7. The parties to act on the copy of this order duly authenticated.

(J.N.PATEL, J.)

(A.A. SAYED, J.)